

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT DUNCAN FOSTER,	)	
	)	
Petitioner,	)	
	)	
v.	)	NO. CIV-06-0411-HE
	)	
JOE KEFFER, Warden,	)	
	)	
Respondent.	)	

**ORDER**

This case is before the court on the Report and Recommendation of Magistrate Judge Doyle W. Argo. Petitioner, a prisoner appearing pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Argo for review. On May 25, 2006, Judge Argo issued his Report and Recommendation, recommending the petition be dismissed without prejudice based on petitioner's failure to either pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis*.

Petitioner has not filed an objection to the Report and Recommendation.<sup>1</sup> Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a).

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<sup>1</sup>As noted in the court files, petitioner's copy of the Report and Recommendation, which had been mailed to the address listed by petitioner on his petition, was returned to the Court Clerk's office by the post office. Although petitioner has not filed a change of address form as required by Local Civil Rule 5.1, the clerk re-mailed a copy of the Report and Recommendation to a different address located in Rochester, Minnesota in an attempt to provide notice to petitioner. This latest mailing has not been returned and the time has now elapsed to file an objection to the Report and Recommendation.

For this reason, and for the reasons contained in the Report and Recommendation, the court concludes the petition should be dismissed.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety and the petition is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 30th day of June, 2006.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE